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21 Attorneys for Plaintiff  
22 UNITED STATES OF AMERICA

23 UNITED STATES DISTRICT COURT

24 FOR THE CENTRAL DISTRICT OF CALIFORNIA

25 UNITED STATES OF AMERICA,

No. CR 2:23-00596-RGK-1

26 Plaintiff,

[PROPOSED] PROTECTIVE ORDER  
REGARDING DISCOVERY CONTAINING  
PERSONAL IDENTIFYING INFORMATION,  
PRIVACY ACT INFORMATION, AND  
COOPERATING WITNESS INFORMATION

27 v.

28 LU ZHANG,

Defendant.

29  
30  
31 The Court has read and considered the parties' Stipulation for  
32 a Protective Order Regarding Discovery Containing Personal  
33 Identifying Information, Privacy Act Information, and Confidential  
34 Informant/Cooperating Witness Information, filed by the government  
35 and defendant LU ZHANG ("defendant") in this matter on January 29,  
36 2024, which this Court incorporates by reference into this order,  
37 and FOR GOOD CAUSE SHOWN the Court hereby FINDS AND ORDERS as  
38

1 follows:

2       1. The government's discovery in this case relates to  
3 defendant's alleged crimes, that is, Conspiracy to Commit Money  
4 Laundering, in violation of 18 U.S.C. § 1956(h); Concealment Money  
5 Laundering, in violation of 18 U.S.C. § 1956(a)(1)(B)(i); and  
6 International Money Laundering, in violation of 18 U.S.C. §  
7 1956(a)(2)(B)(i).

8       2. A protective order for the discovery is necessary so that  
9 the government can produce to the defense materials regarding  
10 confidential informants or cooperating witnesses who participated in  
11 the government's investigation and who may testify at trial.  
12 Because these materials could be used to identify the confidential  
13 informants or cooperating witnesses, the Court finds that the  
14 unauthorized dissemination or distribution of the materials may  
15 compromise the ability of such persons to participate effectively in  
16 future investigations in an undercover capacity and/or may expose  
17 him/her to potential safety risks.

18       3. A protective order for the discovery is also necessary so  
19 that the government can produce to the defense materials containing  
20 third parties' PII. The Court finds that disclosure of this  
21 information without limitation risks the privacy and security of the  
22 information's legitimate owners. Because the government has an  
23 ongoing obligation to protect third parties' PII, the government  
24 cannot produce to defendant an unredacted set of discovery  
25 containing this information without this Court entering the  
26 Protective Order. Moreover, PII makes up a significant part of the  
27 discovery in this case and such information itself, in many  
28 instances, has evidentiary value. If the government were to attempt

1 to redact all this information in strict compliance with Federal  
2 Rule of Criminal Procedure 49.1, the Central District of  
3 California's Local Rules regarding redaction, and the Privacy Policy  
4 of the United States Judicial Conference, the defense would receive  
5 a set of discovery that would be highly confusing and difficult to  
6 understand, and it would be challenging for defense counsel to  
7 adequately evaluate the case, provide advice to defendant, or  
8 prepare for trial.

9       4. An order is also necessary because the government intends  
10 to produce to the defense materials that may contain information  
11 within the scope of the Privacy Act, 5 U.S.C. § 552a ("Privacy Act  
12 Information"). The Court finds that, to the extent that these  
13 materials contain Privacy Act information, disclosure is authorized  
14 pursuant to 5 U.S.C. § 552a(b)(11).

15       5. The purpose of this Protective Order is therefore to  
16 (a) allow the government to comply with its discovery obligations  
17 while protecting this sensitive information from unauthorized  
18 dissemination, and (b) provide the defense with sufficient  
19 information to adequately represent defendant.

20       6. Accordingly, the discovery that the government will  
21 provide to defense counsel in the above-captioned case will be  
22 subject to this Protective Order, as follows:

23           a. As used herein, "CI Materials" includes any  
24 information relating to a confidential informant's or cooperating  
25 witness's prior history of cooperation with law enforcement, prior  
26 criminal history, statements, or any other information that could be  
27 used to identify a confidential informant or cooperating witness,  
28 such as a name, image, address, date of birth, or unique personal

1 identification number, such as a Social Security number, driver's  
2 license number, account number, or telephone number.

3                   b. As used herein, "PII Materials" includes any  
4 information that can be used to identify a person, including a name,  
5 address, date of birth, Social Security number, driver's license  
6 number, telephone number, account number, email address, or personal  
7 identification number.

8                   c. "Confidential Information" refers to any document or  
9 information containing CI Materials or PII Materials that the  
10 government produces to the defense pursuant to this Protective Order  
11 and any copies thereof.

12                   d. "Defense Team" includes (1) defendant's counsel of  
13 record ("defense counsel"); (2) other attorneys at defense counsel's  
14 law firm who may be consulted regarding case strategy in this case;  
15 (3) defense investigators who are assisting defense counsel with  
16 this case; (4) retained experts or potential experts; and  
17 (5) paralegals, legal assistants, and other support staff to defense  
18 counsel who are providing assistance on this case. The Defense Team  
19 does not include defendant, defendant's family members, or any other  
20 associates of defendant.

21                   e. The government is authorized to provide defense  
22 counsel with Confidential Information marked with the following  
23 legend: "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE  
24 ORDER." The government may put that legend on the digital medium  
25 (such as DVD or hard drive) or simply label a digital folder on the  
26 digital medium to cover the content of that digital folder. The  
27 government may also redact any PII contained in the production of  
28 Confidential Information.

1                   f.     If defendant objects to a designation that material  
2 contains Confidential Information, the parties shall meet and  
3 confer. If the parties cannot reach an agreement regarding  
4 defendant's objection, defendant may apply to this Court to have the  
5 designation removed.

6                   g.     Defendant and the Defense Team shall use the  
7 Confidential Information solely to prepare for any pretrial motions,  
8 plea negotiations, trial, and sentencing hearing in this case, as  
9 well as any appellate and post-conviction proceedings.

10                  h.     The Defense Team shall not permit anyone other than  
11 the Defense Team to have possession of Confidential Information,  
12 including defendant, while outside the presence of the Defense Team.

13                  i.     Notwithstanding the above, defendant may see and  
14 review CI Materials only in the presence of defense counsel, and  
15 defense counsel shall ensure that defendant is never left alone with  
16 any CI Materials. At the conclusion of any meeting with defendant  
17 at which defendant is permitted to view CI Materials, defendant must  
18 return any CI Materials to defense counsel, who shall take all such  
19 materials with counsel. Defendant may not take any CI Materials out  
20 of the room in which defendant is meeting with defense counsel. At  
21 no time, under no circumstance, will any Confidential Information be  
22 left in the possession, custody, or control of defendant, regardless  
23 of defendant's custody status.

24                  j.     Defendant may review PII Materials only in the  
25 presence of a member of the Defense Team, who shall ensure that  
26 defendant is never left alone with any PII Materials. At the  
27 conclusion of any meeting with defendant at which defendant is  
28 permitted to view PII Materials, defendant must return any PII

1 Materials to the Defense Team, and the member of the Defense Team  
2 present shall take all such materials with him or her. Defendant  
3 may not take any PII Materials out of the room in which defendant is  
4 meeting with the Defense Team.

5 k. Defendant may see and review Confidential Information  
6 as permitted by this Protective Order, but defendant may not copy,  
7 keep, maintain, or otherwise possess any Confidential Information in  
8 this case at any time. Defendant also may not write down or  
9 memorialize any data or information contained in the Confidential  
10 Information.

11 l. The Defense Team may review Confidential Information  
12 with a witness or potential witness in this case, including  
13 defendant. Defense counsel must be present whenever any CI  
14 Materials are being shown to a witness or potential witness. A  
15 member of the Defense Team must be present if PII Materials are  
16 being shown to a witness or potential witness. Before being shown  
17 any portion of Confidential Information, however, any witness or  
18 potential witness must be informed of, and agree in writing to be  
19 bound by, the requirements of the Protective Order. No member of  
20 the Defense Team shall permit a witness or potential witness to  
21 retain Confidential Information or any notes generated from  
22 Confidential Information.

23 m. The Defense Team shall maintain Confidential  
24 Information safely and securely, and shall exercise reasonable care  
25 in ensuring the confidentiality of those materials by (1) not  
26 permitting anyone other than members of the Defense Team, defendant,  
27 witnesses, and potential witnesses, as restricted above, to see  
28 Confidential Information; (2) not divulging to anyone other than

1 members of the Defense Team, defendant, witnesses, and potential  
2 witnesses, the contents of Confidential Information; and (3) not  
3 permitting Confidential Information to be outside the Defense Team's  
4 offices, homes, vehicles, or personal presence. CI Materials shall  
5 not be left unattended in any vehicle.

6 n. To the extent that defendant, the Defense Team,  
7 witnesses, or potential witnesses create notes that contain, in  
8 whole or in part, Confidential Information, or to the extent that  
9 copies are made for authorized use by members of the Defense Team,  
10 such notes, copies, or reproductions become Confidential Information  
11 subject to the Protective Order and must be handled in accordance  
12 with the terms of the Protective Order.

13 o. The Defense Team shall use Confidential Information  
14 only for the litigation of this matter and for no other purpose.  
15 Litigation of this matter includes any appeal filed by defendant and  
16 any motion filed by defendant pursuant to 28 U.S.C. § 2255. In the  
17 event that a party needs to file Confidential Information with the  
18 Court or divulge the contents of Confidential Information in court  
19 filings, the filing should be made under seal. If the Court rejects  
20 the request to file such information under seal, the party seeking  
21 to file such information publicly shall provide advance written  
22 notice to the other party to afford such party an opportunity to  
23 object or otherwise respond to such intention. If the other party  
24 does not object to the proposed filing, the party seeking to file  
25 such information shall redact any CI Materials or PII Materials and  
26 make all reasonable attempts to limit the divulging of CI Materials  
27 or PII Materials.

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1                   p. Any Confidential Information inadvertently produced  
2 in the course of discovery prior to entry of the Protective Order  
3 shall be subject to the terms of this Protective Order. If  
4 Confidential Information was inadvertently produced prior to entry  
5 of the Protective Order without being marked "CONFIDENTIAL  
6 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," the government  
7 shall reproduce the material with the correct designation and notify  
8 defense counsel of the error. The Defense Team shall take immediate  
9 steps to destroy the unmarked material, including any copies.

10                  q. If any Confidential Information contains both CI  
11 Materials and another category of Confidential Information, the  
12 information shall be handled in accordance with the CI Materials  
13 provisions of this Protective Order.

14                  r. Confidential Information shall not be used by any  
15 member of the defense team, in any way, in any other matter, absent  
16 an order by this Court. All materials designated subject to the  
17 Protective Order maintained in the Defense Team's files shall remain  
18 subject to the Protective Order unless and until such order is  
19 modified by this Court. Within 30 days of the conclusion of  
20 appellate and post-conviction proceedings, defense counsel shall  
21 return CI Materials to the government or certify that such materials  
22 have been destroyed. Upon request by the government, defense  
23 counsel shall return all PII Materials, certify that such materials  
24 have been destroyed, or certify that such materials are being kept  
25 pursuant to the California Business and Professions Code and the  
26 California Rules of Professional Conduct.

27                  s. In the event that there is a substitution of counsel  
28 prior to when such documents must be returned, new defense counsel

1 must be informed of, and agree in writing to be bound by, the  
2 requirements of the Protective Order before defense counsel  
3 transfers any Confidential Information to the new defense counsel.  
4 New defense counsel's written agreement to be bound by the terms of  
5 the Protective Order must be returned to the Assistant U.S.  
6 Attorneys assigned to the case. New defense counsel then will  
7 become the Defense Team's custodian of materials designated subject  
8 to the Protective Order and shall then become responsible, upon the  
9 conclusion of appellate and post-conviction proceedings, for  
10 (1) returning to the government, certifying the destruction of, or  
11 retaining pursuant to the California Business and Professions Code  
12 and the California Rules of Professional Conduct all PII Materials,  
13 and (2) returning to the government or certifying the destruction of  
14 all CI Materials.

15 t. Defense counsel shall advise defendant and all  
16 members of the Defense Team of their obligations under the  
17 Protective Order and ensure their agreement to follow the Protective  
18 Order, prior to providing defendant and members of the Defense Team  
19 with access to any materials subject to the Protective Order.

20 IT IS SO ORDERED.

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23 DATE

HONORABLE R. GARY KLAUSNER  
UNITED STATES DISTRICT JUDGE

24  
25 Presented by:

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26 /s/ Maxwell Coll

27 MAXWELL COLL  
28 Assistant United States Attorney